

YEAS—29.

Bell,	Getzendaner,	Knittel,
Calhoun,	Glasscock,	Perry,
Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Pope,
Farrar,	Jerdone,	Shannon,
Fowler,	Kilgore,	Traylor.
Garrison,	Kleberg,	

NAYS—5.

Hall,	Stinson,	Woods.
Randolph,	Terrell,	

ABSENT, NOT VOTING.

Houston of Wheeler.

SIXTY-FIRST DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, March 25, 1885. }

The Senate met pursuant to adjournment.  
Lieutenant-Governor Gibbs in the chair.  
Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Traylor,

The reading of the journal of yesterday was dispensed with.

The morning call having been concluded, and the hour having arrived,

The Senate went into executive session on the appointments of the Governor.

IN THE SENATE.

Senate bill No. 205, "An act defining who are entitled to be buried in the State cemetery, and defining the duties and powers of the Superintendent of Public Grounds in relation thereto," was laid before the Senate and read the third time.

Senator Glasscock offered the following amendment:

Whereas, The near approach of the adjournment of the Legislature, owing to amount of unfinished business on hand, bill not admit of this bill being read on three several days, and there being no law regulating the burial of the dead in the State cemetery, therefore an imperative public necessity exists that there should be such a law, the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and it is so enacted.

Adopted by the following vote:

YEAS—24.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Pope,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

ABSENT NOT VOTING.

Houston of Wheeler, Shannon.

The bill was passed by the following vote:

YEAS—24.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Pope,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Houston of Wheeler, Shannon.

By leave, the following reports were filed:  
By Senator Kleberg:

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 87, entitled "An act to amend article 4574, and to repeal article 4576 of the Revised Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendment:

Strike out section 2 of the bill.

All of which is respectfully submitted.

KLEBERG, Chairman.

Bill read first time.

By Senator Pope:

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred House bill No. 229, "An act entitled an act to amend article 4860 of the Revised Civil Statutes of the State of Texas, as amended by an act approved February 2, 1884, and an act approved February 5, 1884, chapters 11 and 13 of the general laws passed at the special session of the Eighteenth Legislature, relating to the changing of public roads," have carefully examined the same. The provisions of this bill being substantially the same as those of Senate bill No. 153, which was rejected by the Senate, the majority of said committee therefore instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

By Senator Evans:

COMMITTEE ROOM,  
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Printing, to whom was referred House bill No. 533, entitled "An act to authorize the Secretary of State to purchase for the use of the State the Texas Court of Appeals reports, volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and to contract for the relinquishment of the copyright of said reports with the persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor," have had the same under consideration, and instruct me to report the same back with the recommendation that it do pass with the following amendments.

All of which is respectfully submitted.

EVANS, Chairman.

COMMITTEE AMENDMENTS.

1. Amend by striking out in line 11, page 2, the words "three years."
2. Strike out, page 2, all of lines 15 and 16, and line 17 to and inclusive of the word "all."
3. Lines 10 and 11, page 3, strike out "four dollars," and insert "three dollars."

Bill read first time.

The President gave notice of signing Senate bill No. 260, "An act to amend articles 1006, 1007 and 1008 of 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the Eighteenth Legislature at its regular session, approved the ninth day of April, 1883."

The President laid before the Senate

Substitute Senate bill No. 183, "An act to amend article 428 of chapter 38 of 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5 of the Penal Code of the Revised Statutes, for the protection of fish and game,' approved March 15, 1881, and article 430 of chapter 113 of an act to amend article 430 of section 1, and to repeal section — of an act entitled 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5, title 13 of the Penal Code of the Revised Statutes, for the protection of fish and game,' approved March 15, 1881."

The bill was read the third time and passed.

(The following should have gone in the journal of yesterday.)

I do here enter my solemn protest against the passage of the bill changing the Capitol contract, by substituting granite for limestone. If the substitution of granite for limestone was the only change, the bill would not be so odious, but the bill also extends the time for the completion of the Capitol, by placing it in the power of the Capitol Board to not only extend the time for years, but fixes no limit on the amount they are to pledge the State to pay for this change. The Capitol syndicate contracted with their eyes open, to build and complete this structure by the first day of January, 1888. They gave the State a good and solvent bond to secure a performance of that contract. They agreed to build it for one million and a half dollars, and received from the State in payment of this sum 3,000,000 acres of fine land. The State has complied with its contract, but they have made no effort to complete the building within the time agreed upon, and in consequence half of the time has expired, and the foundation not yet finished. I consider this granite bill nothing short of a subterfuge to relieve this syndicate of its liability to the State on its bond, which ought not to be done. An extension of time must be of some material advantage to them, or they would not desire it. It certainly cost the State something to grant it; and the State should not be made to concede away all of its rights, when no corresponding concession is being made to it.

Another serious objection: The bill authorizes a change in the style of architecture, and empowers the Capitol Board to do away with all or a greater portion of the ornamental work on the inner and outside of the building, which destroys its beauty, and for which the State has already paid a handsome price.

In this measure the State has all to lose and nothing to gain, while the contractors have all to gain and nothing to lose. I predict that it will be a long time before the State gets its new Capitol, and I fear it will be a much inferior building to that contemplated in the original contract, and the original cost price will pale into utter insignificance when compared with the final cost under the proposed changes. Such has been the experience of every State which has undertaken to change or modify its capitol building contract after the construction of the building had commenced.

We concur in what Senator Harrison says.

HARRISON.

KLEBERG,  
RANDOLPH,  
GARRISON,  
PFEUFFER,  
DAVIS,  
STINSON.

I concur in all the reasons given above by Senator Harrison for opposing this bill, and will state further that it is unwise to undertake, as this bill does, to place granite walls upon limestone foundations. And besides, three million acres of land is as much as the State ought to expend in the construction of our Capitol building. I believe the true policy to be pursued in this matter is for the State to comply strictly with the present contract, and require the contractors to do the same.

PERRY.

The President laid before the Senate House bill No. 324, "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller and providing appropriate penalties for a failure to comply herewith."

The bill was read the third time.

Senator Traylor offered the following amendment

Section 7. All railroads within this State shall have ~~an~~ months after this act goes into effect, within which time to comply with the provisions hereof.

Adopted by the following vote:

YEAS—24.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Farrar,

Houston of Wheeler.

The bill was passed.

The President laid before the Senate House bill No. 437, "An act to protect mechanics, operatives book-keepers, clerks and laborers, who perform labor in any mill, factory, shop, store, office or farm against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages."

The bill was read the third time and lost by the following vote:

YEAS—4.

Bell,	Perry,	Pope.
Getzendaner,		

NAYS—20.

Calhoun,	Harrison.	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Pfeuffer,	

ABSENT, NOT VOTING.

Farrar,

Houston of Wheeler.

House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas beyond the end of the ship's tackle," was laid before the Senate, and read the third time and passed by the following vote:

## YEAS—15.

Bell,	Harrison,	Randolph,
Fowler,	Jerdone,	Stinson,
Garrison,	Kleberg,	Terrell,
Glasscock,	Knittel,	Traylor,
Hall,	Pope,	Woods

## NAYS—9.

Calhoun,	Getzendaner,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Kilgore,	Shannon.

Paired—Senators Farrar and Houston of Wheeler. The former would have voted "yea," the latter "nay."

On motion of Senator Pope, Senator Houston of Wheeler was excused for to-day and to-morrow.

The President laid before the Senate, House bill No. 49, "An act to amend article 4636, title 95, chapter 2 of the Revised Civil Statutes."

The bill was read third time and passed.

On motion of Senator Randolph, Senator Pope was excused for the day, on account of sickness.

House bill No. 195, "An act to amend article 458 of the Revised Civil Statutes of the State of Texas," was laid before the Senate.

Read third time and lost by the following vote:

## YEAS—10.

Bell,	Glasscock,	Stinson,
Calhoun,	Hall,	Traylor,
Evans,	Randolph,	Woods.
Fowler,		

## NAYS—14.

Davis,	Houston of Bexar,	Perry,
Farrar,	Jerdone,	Pfeuffer,
Garrison,	Kilgore,	Shannon,
Getzendaner,	Kleberg,	Terrell.
Harrison,	Knittel,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, March 25, 1885.

Hon. Barnett Gible, President of the Senate:

I am instructed to report to your honorable body the passage of the following bills:

Senate bill No. 165, "An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas."

Senate bill No. 180, "An act to amend section 4 of an act to redistrict the State into judicial districts," etc.

Senate bill No. 209, "An act to preserve the charters of railway companies that, by reason of the financial condition of the country, have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof."

Senate bill No. 235, "An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually," etc.

House bill No. 162, "An act to amend article 2411, chapter 24, title 42 of the Revised Civil Statutes of the State of Texas."

House bill No. 218, "An act authorizing the sheriffs, constables or their deputies of this State to make persons who are principals or sureties on indemnifying bonds parties to suits," etc.

Substitute House bill No. 265, "An act to provide for the proper control, management and direction of the institutions respectively known as Blind Asylum and Deaf and Dumb Asylum."

Substitute House bill No. 270, "An act to amend article 3856 of the Revised Statutes."

House bill No. 287, "An act to amend article 3969, title 79, Revised Civil Statutes."

Substitute House bill No. 290, "An act to amend articles 378 and 379, chapter 6, title 11 of the Penal Code of the State of Texas, and to add to said chapter and title article 379a."

House bill No. 341, "An act to authorize the Governor to grant leave of absence from the State to district judges of the State of Texas."

Substitute House bill No. 360, "An act to amend article 4390a of chapter 1, title 87, of the acts of the called session of the Eighteenth Legislature, approved April 5, 1884."

House bill No. 409, "An act to amend article 4518, of chapter 1, title 91 of the Revised Civil Statutes of the State of Texas."

House bill No. 422, "An act to amend article 341, title 10, chapter 4 of the Revised Penal Code."

House bill No. 490, "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county.'"

Senate bill No. 48, "An act to punish fishing and hunting on the enclosed lands of another."

A. D. SADLER,  
Chief Clerk House of Representatives.

The President referred House bills Nos. 290, 422, and 409, and substitute House bill No. 218 to Judiciary Committee No. 2, and

House bills Nos. 162 and 490 to Committee on State Affairs; and

Substitute House bill No. 270 and House bill No. 287 to Committee on General Land Office; and

House bill No. 265 to Committee on Asylums; and

House bill No. 341 to Committee on Judicial Dis-

tricts; and

Substitute House bill No. 360 to Committee on

Roads and Bridges.

The President laid before the Senate, Substitute Senate bill No. 48, "An act to punish fishing and hunting on the enclosed lands of another," with House amendments.

The Senate concurred in the first House amendment, and refused to concur in other House amendments.

Senate bill No. 165, "An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas," was laid before the Senate with House amendments, and.

On motion of Senator Houston of Bexar,

The Senate concurred in the House amendments.

Senate bill No. 235, "An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually for the transaction of civil, criminal and probate business, and fix the times at which all the terms of said county courts may be held," was laid before the Senate with House amendment, and

On motion of Senator Calhoun,

The House amendment was concurred in.

Senate bill No. 180, "An act to amend section 4 of an act to redistrict the State into judicial districts, and to fix the times for holding courts therein," etc., was laid before the Senate, with House amendments, and

On motion of Senator Bell, was postponed until to-morrow.

House bill No. 252, "An act to amend article 636, chapter 3, title 8 of section 2 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' was laid before the Senate, and

Read the second time, with majority (unfavorable) and minority (favorable) committee reports.

Senator Bell moved to adopt the minority report.

Adopted by the following vote:

## YEAS—15.

Bell,  
Calhoun,  
Fowler,  
Getzendaner,  
Glasscock,

Harrison,  
Jerdone,  
Kleberg,  
Knittel,  
Perry,

Pfeuffer,  
Stinson,  
Terrell,  
Traylor,  
Woods.

## NAYS—9.

Davis,  
Evans,  
Farrar,

Garrison,  
Hall,  
Houston of Bexar,

Kilgore,  
Randolph,  
Shannon.

(Senator Kleberg in the chair.)

Senator Davis moved to amend by striking out all after the word "defendant," in line 19, page 2.

Adopted.

Senator Bell offered the following amendment:

Amend section 1, subdivision 13, page 3, by striking out all after the word "action," in line 6, and adding in lieu thereof: "And if it appears to have been formed from reading newspaper accounts, communications, statements or reports, or from mere rumor or hearsay, and the juror states on oath that he feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence, the court, if satisfied that he is impartial and will render such verdict, may, in its discretion, admit him as competent to serve in such case; but if the court, in its discretion, is not satisfied that he is impartial, the juror shall be discharged."

Senator Houston of Bexar offered the following substitute for the amendment:

Strike out all after the word "discharge," line 8, page 3, down to and including the word "opinion," in line 12.

Lost by the following vote:

## YEAS—11.

Davis,  
Evans,  
Farrar,  
Garrison,

Hall,  
Harrison,  
Houston of Bexar,  
Jerdone,

Kilgore,  
Randolph,  
Shannon.

## NAYS—13.

Bell,  
Calhoun,  
Fowler,  
Getzendaner,  
Glasscock,

Kleberg,  
Knittel,  
Perry,  
Pfeuffer,

Stinson,  
Terrell,  
Traylor,  
Woods.

Senator Harrison offered the following substitute for the amendment:

Amend section 13 by striking out all in line 31 after the word "verdict."

Lost by the following vote:

## YEAS—12.

Davis,  
Evans,  
Farrar,  
Garrison,

Getzendaner,  
Hall,  
Harrison,  
Houston of Bexar,

Jerdone,  
Kilgore,  
Randolph,  
Shannon.

## NAYS—12.

Bell,  
Calhoun,  
Fowler,  
Glasscock.

Kleberg,  
Knittel,  
Perry,  
Pfeuffer,

Stinson,  
Terrell,  
Traylor,  
Woods.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of substitute House bill No. 370, known as the appropriation bill.

Respectfully,

A. D. SADLER,  
Chief Clerk House of Representatives,

Substitute House bill No. 370 was referred to Committee on Finance.

On motion of Senator Traylor,

One hundred copies of the bill were ordered printed for the use of Senate, and

The bill was made special order for to-morrow after morning call, and from day to day till disposed of.

The amendment of Senator Bell was adopted by the following vote:

## YEAS—17.

Bell,  
Calhoun,  
Davis,  
Evans,  
Fowler,  
Garrison,

Getzendaner,  
Glasscock,  
Jerdone,  
Kleberg,  
Knittel,  
Perry,

Pfeuffer,  
Stinson,  
Terrell,  
Traylor,  
Woods.

## NAYS—8.

Farrar,  
Hall,  
Harrison,

Houston of Bexar,  
Kilgore,  
Randolph,  
Shannon.

Senator Kilgore moved to strike out subdivision 15, page 3.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to the Senate the passage of the following bills:

Substitute House bill No. 502, "An act to postpone the sale of real and personal property for taxes assessed for 1885 until the first Monday in July, 1885."

Substitute House No. 551, "An act to establish and organize the county of Mills."

Respectfully,

A. D. SADLER,  
Chief Clerk House Representatives

On motion of Senator Randolph,

The Senate adjourned till 3 o'clock this afternoon by the following vote:

## YEAS—15.

Calhoun,  
Davis,  
Farrar,  
Garrison,  
Glasscock,

Hall,  
Harrison,  
Houston of Bexar,  
Jerdone,  
Kilgore,

Knittel,  
Perry,  
Pfeuffer,  
Randolph,  
Shannon.

## NAYS—9.

Bell,  
Evans,  
Fowler,

Getzendaner,  
Kleberg,  
Stinson,

Terrell,  
Traylor,  
Woods.

## AFTERNOON SESSION.

Senate met pursuant to adjournment.

Senator Shannon, President pro tem., in the chair. Roll called.

Quorum present.

The Senate resumed consideration of House No. 252.

Senator Kleberg moved the previous question on the amendment of Senator Kilgore, pending on adjournment, and the engrossment of the bill.

Seconded, and main question ordered.

The amendment of Senator Kilgore was adopted by the following vote:

## YEAS—12.

Davis,	Harrison,	Knittel,
Evans,	Houston of Bexar,	Pfeuffer,
Farrar,	Jerdone,	Randolph,
Garrison,	Kilgore,	Shannon.

## NAYS—11.

Bell,	Glasscock.	Terrell,
Calhoun,	Kleberg,	Traylor.
Fowler,	Perry,	Woods.
Getzendaner,	Stinson,	

ABSENT, NOT VOTING.

Hall.

The bill was passed to third reading by the following vote:

## YEAS—12.

Bell,	Glasscock,	Stinson,
Calhoun,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

## NAYS—11.

Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon.
Garrison,	Kilgore,	

ABSENT, NOT VOTING.

Hall.

Substitute House bill No. 502 was referred to Finance Committee.

Substitute House bill No. 551 was referred to Committee on Counties and County Boundaries.

Senator Glasscock entered a motion to reconsider the vote by which the Senate refused to pass to third reading House bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor."

On motion of Senator Garrison,

The regular order of business was suspended, and,

Senate bill No. 278, "An act to confer upon certain county courts, whose civil jurisdiction has been heretofore or may hereafter be diminished, jurisdiction in all matters of eminent domain," was taken up and read the second time and ordered engrossed.

On motion of Senator Garrison,

The constitutional rule was suspended, and

The bill was placed on its third reading by the following vote:

## YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

## NAYS—none.

ABSENT, NOT VOTING.

Fowler,	Hall,	Perry.
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The bill was read third time and passed by the following vote:

## YEAS—21.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.

## NAYS—none.

ABSENT, NOT VOTING.

Fowler,	Hall,	Traylor.
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Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,  
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 260, being "An act to amend articles 1006, 1007 and 1008 of an act entitled 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879,' passed by the Eighteenth Legislature, and approved April 9, 1883," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval. All of which is respectfully submitted.

FOWLER, Chairman.

By leave, Senator Bell sent up the following reports:

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on General Land Office, to whom was referred substitute House bill No. 270, entitled "An act to amend article 3853 of the Revised Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on General Land Office, to whom was referred House bill No. 287, entitled "An act to amend article 396, title 79, Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, Chairman.

Bill read first time.

On motion of Senator Terrell,

Senator Hall was excused for to-day and to-morrow.

House bill No. 398, "An act to authorize cities and towns to levy and collect taxes for the erection, construction or purchase of public buildings, streets, sewers and other permanent improvements," was laid before the Senate, and

Read the second time with committee amendment, and

Committee amendment adopted and bill passed to third reading.

On motion of Senator Getzendaner,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

## YEAS—22.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

## NAYS—none.

ABSENT, NOT VOTING.

Randolph.

The bill was read third time, and passed by the following vote:

## YEAS—22.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Davis,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Evans.

Substitute House bill No. 392, "An act to restore to and confer upon the county court of Camp county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act," was laid before the Senate, and

Read the second time, with committee amendment.

Senator Houston of Bexar offered the following amendment to the committee amendment:

Strike out "Bexar" and insert "Zapata."

Adopted.

The committee amendment as amended was adopted.

Senator Terrell sent up the following amendment:

Amend bill by striking out "Camp" in caption and in bill wherever it occurs.

Adopted.

The bill was passed to third reading.

On motion of Senator Houston of Bexar,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

## YEAS—23.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,	Perry,	

NAYS—none.

The bill was read third time and passed.

On motion of Senator Davis,

Senate bill No. 248, "An act to amend articles 2725 and 2726 of the Revised Statutes," was taken up and read the second time.

Senator Harrison offered the following amendment:

Strike out "district attorney" wherever it appears in the bill.

Adopted, and

The bill was ordered engrossed.

On motion of Senator Evans,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

## YEAS—23.

Bell,	Fowler,	Houston of Bexar,
Calhoun,	Garrison,	Jerdone,
Davis,	Getzendaner,	Kilgore,
Evans,	Glasscock,	Kleberg,
Farrar,	Harrison,	Knittel,

Perry,  
Pfeuffer,  
Randolph,

Shannon,  
Stinson,  
Terrell,

Traylor,  
Woods.

NAYS—none.

The bill was read a third time and passed.

On motion of Senator Glasscock,

The regular order of business was suspended and Senate bill No. 179, "An act prescribing a penalty to those who bring cattle into this State infected with the disease of pleuro-pneumonia, rhinderpest, or any other contagious disease," was taken up and Read the second time.

Senator Glasscock offered the following amendment:

Whereas, There is no law prescribing a penalty against those who bring cattle into this State affected with a contagious disease, and the present session of the Legislature being so near to a close will not admit of this bill being read on three several days, therefore an emergency and imperative public necessity exists requiring suspension of the constitutional rules, and the same be and are hereby suspended, and it is so enacted.

Adopted.

Senator Fowler offered the following amendment

Amend by striking out the word "rhinderpest" wherever occurs.

Adopted.

Senator Terrell moved to postpone the bill indefinitely.

Lost by the following vote:

## YEAS—8.

Davis,  
Kilgore,  
Kleberg,

Knittel,  
Randolph,  
Stinson,

Terrell,  
Traylor.

## NAYS—15.

Bell,  
Calhoun,  
Evans,  
Farrar,  
Fowler,

Garrison,  
Getzendaner,  
Glasscock,  
Harrison,  
Houston of Bexar,

Jerdone,  
Perry,  
Pfeuffer,  
Shannon,  
Woods.

Senator Davis offered the following amendment:

Where "rhinderpest" is stricken out insert "hollow-tail."

Adopted.

Senator Kilgore moved to strike out "pleuro-pneumonia."

Lost by the following vote:

## YEAS—7.

Davis,  
Garrison,  
Kilgore,

Kleberg,  
Knittel,

Stinson,  
Terrell.

## NAYS—16.

Bell,  
Calhoun,  
Evans,  
Farrar,  
Fowler,  
Getzendaner,

Glasscock,  
Harrison,  
Houston of Bexar,  
Jerdone,  
Perry,

Pfeuffer,  
Randolph,  
Shannon,  
Traylor,  
Woods.

Senator Kleberg moved to postpone action on the bill till the first day of April.

Adopted by the following vote:

## YEAS—15.

Davis,  
Evans,  
Garrison,  
Getzendaner,  
Glasscock,

Jerdone,  
Kilgore,  
Kleberg,  
Knittel,  
Pfeuffer,

Randolph,  
Shannon,  
Stinson,  
Terrell,  
Traylor.

NAYS—8.

Bell,  
Calhoun,  
Farrar,

Fowler,  
Harrison,  
Houston of Bexar,

Perry,  
Woods.

The President pro tem. gave notice of signing the following bills, to-wit:

House bill No. 79, entitled "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884; and to validate bonds issued under an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the county commissioners' court of the several counties of this state to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, 1881, so as to include the issue of jail bonds."

House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargoes or laboring on wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle;" and

House bill No. 489, "An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a."

By leave the following reports were sent up:  
By Senator Houston of Bexar:

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 301, entitled "An act to regulate the banking system of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Barnett Gibbs, President of the Senate:

The undersigned, a minority of your Judiciary Committee No. 1, to whom was referred substitute House bill No. 301, entitled "An act to regulate the banking system of Texas," dissenting from the views expressed in the majority report, beg leave to recommend that the bill do pass.

All of which is respectfully submitted.

HARRISON, for minority.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 349, entitled "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 164, entitled "An act to amend article 4245, § 84, chapter 10, of the Revised Statutes of Texas," have

carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 96, entitled "An act to amend an act entitled 'an act to amend article 4411 of the Revised Civil Statutes,' approved March 5, 1883," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 272, entitled "An act to amend article 3193 of the Revised Civil Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 72, entitled "An act to amend article 4367 of the Revised Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 277, entitled "An act to amend chapter 18 of the Revised Civil Statutes by adding article 1379a," have carefully considered the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 276, entitled "An act to authorize the dismissal of certain suits," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

By Senator Harrison:

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 551, entitled "An act to establish and organize the county of Mills," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

On motion of Senator Jerdone,

Senate bill No. 259, "An act to amend chapter 20, title 37 of the Revised Civil Statutes of the State of Texas, by adding thereto three additional articles, to be known as articles 2041a, 2041b and 2041c," was taken up, and

Read the second time and ordered engrossed.

On motion of Senator Jerdone,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

## YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Perry,	Woods.
Getzendaner,		

## NAYS—1.

Harrison.

The bill was read third time and passed by the following vote:

## YEAS—16.

Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Randolph,
Farrar,	Kilgore,	Shannon,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

## NAYS—7.

Bell,	Harrison,	Stinson,
Calhoun,	Kleberg,	Terrell.
Garrison,		

The following message was received from the Governor:

To the Senate and House of Representatives:

GENTLEMEN—I learn from the public prints that the two houses have adopted a resolution to adjourn on the thirty-first instant.

By virtue of an act of the Eighteenth Legislature, the board created thereby has been auditing the claims against the federal government for moneys expended in defending the Texas frontier. We have now audited, in accordance with the rules adopted by the Treasury department, about one million, and will soon complete the work. The whole sum will probably be about fourteen hundred thousand.

When they are presented to the auditorial board at the Treasury department, they are taken up item by item, and the State is required to satisfy that board:

1. That the money was actually expended.

2. That there was a necessity for the expenditure. It was supposed at one time that our board had authority to employ a man and send him to Washington, to remain there to represent the State in securing the payment of our claims.

But the opinion of the board now is, that it is lacking in authority to make a contract for that purpose. It will require a first class business man, and he will have to be on the spot all the time.

It has been supposed by some that our Senators and members in Congress could perform this duty. I am informed by them that it is impossible for them to do so, and that it is the duty of the State to send a man to look after these claims who can give his whole time to it.

I am not fully advised of the import of the bill pending in the House of Representatives, but learn that the committee to whom it was referred has reported adversely to it.

If the measure fails entirely, it will prove disastrous to the State.

This is a large claim. I of course can form no idea of the amount that will be realized on it.

I trust the measure will be taken up, and the board invested with such authority as will enable the State to collect its money.

JOHN IRELAND.

The President laid before the Senate House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof."

The bill was read the second time with committee amendment.

On motion of Senator Houston of Bexar,

The Senate adjourned till ten o'clock to-morrow morning.

## SIXTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, March 26, 1885.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Calhoun,

The reading of the journal of yesterday was dispensed with.

## REPORTS OF STANDING COMMITTEES.

By Senator Kilgore:

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred substitute House joint resolutions Nos. 1 and 2 entitled "Joint resolution to amend sections 3 and 6 of article 5 of the Constitution of the State of Texas," have had the same under consideration, and a majority of your committee instruct me to report it back with the recommendation that it do not pass.

Substitute House joint resolution Nos. 1 and 2 seek to take from the Court of Appeals jurisdiction of all civil business, and place it in the Supreme Court. The effect of the proposed change would be to overload the docket of the Supreme Court to such an extent as to greatly obstruct the administration of justice.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 27, entitled "Joint resolution to amend section 8, article 5, of the Constitution of the State of Texas," have had the same under consideration and instruct me to report it back with the recommendation that it do pass.

The object of this joint resolution is to confer general jurisdiction on the district courts, and to give them such general supervisory control over county commissioners' courts as may be provided by law.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 14, entitled "Joint resolution to amend section 2, article 6 of the Constitution of